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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

DECISION ON PETITION

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

In re Application of:
Toshiyuku Sudo
Application No. 09/025,856
Filed: February 19, 1998
For: **IMAGE DISPLAY SYSTEM
INFORMATION PROCESSING APPARATUS,
AND METHOD OF CONTROLLING THE
SAME**

This is in response to the Petition to Withdraw the Holding of Abandonment for the above-identified application, filed February 11, 2003.

The application was abandoned for failure to respond in a timely and effective manner to a final Office action mailed August 23, 2001. A Notice of Abandonment was mailed January 28, 2003.

Petitioner asserts that a proper response was in fact timely filed. In support of the petition, petitioner has submitted a date stamped post card receipt, evidencing that a Request for Continued Examination (RCE), a petition for an additional one month extension of time, and checks in the amount of \$740 for the RCE fee and \$290 for the additional one month extension of time were received by the Patent and Trademark Office on January 18, 2002.

The original response was not matched with the file at the time the Notice of Abandonment was mailed and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as a *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Office but not matched with the application file.

Furthermore, a review of the PTO Revenue and Accounting Management (RAM) system finds receipt on January 22, 2002 of checks in the amount of \$740 and \$290 for the instant application.

For these reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff for appropriate entry and processing of the RCE. From there the application file will be forwarded to the examiner for consideration in due course.

Allen MacDonald, Director
Technology Center 2600
Communications